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RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, Jonbo Corporation, represented by H. & T. Youngquist, in reference to Rockett 44 Industries Park has properly filed an application for:

A rezoning from AG-2 to Industrial Planned Development, to permit an industrial park subdivision with buildings not to exceed 75 feet above average grade, on 43.8 total acres of land. The proposed development will also include both light and heavy industrial land uses.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County Standards:

- (1) Withdrawn;
- (2) Minimum setback from the development perimeter where abutting a residential land use or land zoned exclusively for residential uses of 100 feet for light industrial uses and 660 feet for heavy industrial uses (471.C.1.e.), to 20 feet or the width of the buffer, whichever is greater;
- (3) Requirement that, where practical, a commercial/industrial development of more than 10 acres shall provide 2 or more means of ingress or egress [DSO Section C.2.d.(4)], to allow for a single point of access to the IPD; and
- (4) Requirement for street stubs to adjoining areas to give access to adjacent properties (DSO Section C.3.f.), to not require street stubs to adjoining property.

WHEREAS, the subject property is located at the northern terminus of Gator Road, approximately 1500 feet north of Alico Road intersection, described more particularly as:

LEGAL DESCRIPTION: In Sections 04 & 05, Township 46 South, Range 25 East, Lee County, Florida:

A tract of land situated in Sections 04 and 05, Township 46 South, Range 25 East, Lee County Florida, described as follows:

COMMENCING at the South One Quarter (S 1/4) corner of Section 05, being on the center line of Alico Road (100' R/W), THENCE;

- 1. N.89°47'03"E., 1632.63 feet, along part of the South line of the Southeast One Quarter (SE 1/4) of Section 05, THENCE;
- 2. N.00°16'03"W., 1529.98 feet, along the East line of an existing road easement, to the Northwest corner of a tract of land described in O.R. Book 1062, Page 1783, being the TRUE POINT OF BEGINNING of the tract described herein, THENCE;

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RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY: H. FERNSTROM, D.C.

3. N.00°16'00"E., 940.13 feet, to a point on the South line of a Florida Power and Light Company easement (170' R/W) as described in O.R. Book 876, Page 610, THENCE;
4. N.89°47'16"E., 1016.69 feet, along said South line to a point on the common line between Sections 04 and 05, THENCE;
5. N.89°47'16"E., 1014.22 feet, along the said South line, THENCE;
6. S.00°16'32"E., 939.99 feet, parallel with the common line between Sections 04 and 05, THENCE;
7. S.89°47'01"W., 1014.22 feet, to a point on the common line between Sections 04 and 05, THENCE;
8. S.89°47'01"W., 1016.82 feet, to the TRUE POINT OF BEGINNING, containing a computed area of 43.830 acres of land.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 05-46-25-00-01000.5000 and 04-46-25-00-00001.0000; and

WHEREAS, proper authorization has been given to Harvey Youngquist and Daniel Shaw, Esquire, by John Spollen of Jonbo Corporation, the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on July 5, 1988; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a rezoning from AG-2 to Industrial Planned Development, to permit an industrial park subdivision with buildings not to exceed 75 feet above average grade, on 43.8 total acres of land. The proposed development will also include both light and heavy industrial land uses.

Approval is subject to the following conditions:

1. The Master Concept Plan is a one sheet plan titled "Rocket 44 Industrial Park" prepared by Lee County Engineering, Inc. dated May 26, 1988 and stamped received June 10, 1988, except as modified herein.

2. The following uses shall be permitted as part of this IPD:

Administrative Offices (df)  
Building Materials - Sales (Section 1001.04)  
Business Services - Group II (Section 1001.05)  
Cleaning and Maintenance Services (Section 1001.07)  
Cold Storage, Pre-Cooling  
Contractors and Builders - all groups (Section 1001.19)  
    including asphalt or concrete batch plants  
Entrance Gates and Gatehouses (Section 202.10)  
Essential Services (Section 1001.12)  
Gasoline Dispensing Systems, Special (df)  
Government Services (Section 1001.19)  
Laundry or Drycleaning - Group II (Section 1001.24)  
Machine Shop  
Manufacturing/Repair of:  
    Apparel (Section 1001.01)  
    Electrical Machinery and Equipment (Section 1001.11)  
    Furniture and Fixtures (Section 1001.18)  
    Measuring, Analyzing, and Controlling Instruments  
    (Section 1001.28)  
    Novelties, Jewelry, Toys, Signs (Section 1001.29)  
    Fabricated Metal Products - Groups II and III  
    (Section 1001.14)  
    Leather and Leather Products - Groups I and II  
    (Section 1001.25)  
    Lumber and Wood Products - Groups I thru V  
    (Section 1001.26)  
    Machinery - All groups (Section 1001.27)  
    Paper and Allied Products - Groups II and III  
    (Section 1001.31)  
    Stone, Clay, Glass and Concrete Products - Groups I,  
    II and III (Section 1001.48)  
    Tobacco Products (Section 1001.51)  
    Transportation Equipment - Group II Only  
    (Section 1001.52)  
Printing and Publishing (Section 1001.36)  
Processing and Warehousing (df)  
Rental Establishments - Groups II and IV (Section 1001.39)  
Repair Shops - Groups III, IV, and V (Section 1001.40)  
Research and Development Laboratories - Group II  
    (Section 1001.41)  
Signs, provided such signs comply with the Lee County  
    Sign Ordinance  
Storage, Indoor (df) Enclosed (df) Open (df) (Section 536)  
Transportation Services - Groups III and IV  
    (Section 1001.53)  
Vehicle and Equipment Dealers - Group V (Section 1001.58)  
Warehousing: Public (df) and Private (df)  
Wholesale Establishments - Groups III, IV and VI  
Package Treatment Plant - On Eastern 1/2 of Parcel

The following uses shall also be permitted as part of this IPD, but shall not exceed a maximum of 5% of the overall total development:

Convenience Food and Beverage Store  
Self-Service Fuel Pumps

Any uses not listed herein shall be reviewed as an amendment to the Master Concept Plan.

3. Property development regulations shall be in conformance with the following:
- a. The maximum square feet of total floor area shall be limited to 506,000 square feet.

- b. The maximum height of buildings shall be 75 feet.
- c. The maximum lot coverage shall not exceed 40% of total lot area.
- d. Minimum lot area and dimensions
- Area - 20,000 square feet  
Depth - 100 feet  
Width - 100 feet
- e. Minimum setbacks
- Street - variable according to the functional classification of the street or road  
Side - 20 feet  
Rear - 25 feet  
Waterbody - 25 feet
- f. Not less than 20% of the total area shall be common open space. The calculations shown on the Master Concept Plan shall be revised to indicate 8.76 total acres prior to final plan approval.
4. Until service is available from Gulf Utilities or from Florida Cities, the applicant shall provide a package sewage treatment plant. The applicant shall connect to central sewer when available. Septic tanks shall not be allowed to service this development.
5. a. Any use, generation or storage of hazardous materials shall be preceded by the development and approval (by appropriate agencies) of containment features, as well as an emergency response plan (in the event a spill occurs).
- b. Any wastewater containing hazardous waste shall be segregated from non-hazardous wastewater and shall receive proper on-site pre-treatment.
- c. If a wellfield protection ordinance is adopted by Lee County prior to the issuance of local development order approval, any stricter standards would also apply.
6. A 20-foot wide type "D" buffer to be maintained by the property owner, shall be planted along the western boundary of the subject parcel (along Gator Road). All trees and shrubs required in this buffer shall be placed on the residential side of the visual screen. In addition no heavy industrial uses (as indicated in Section 471.A.3.) shall be permitted on Lots 1, 2, 17 and 18 on the Master Concept Plan. If the residential property to the west of this site is converted to industrial type uses, then this distance requirement shall no longer apply.
7. Before a certificate of completion for any part of this development is granted, the developer shall improve Gator Road to Lee County's Industrial Road Standards from the Ledo Lines entry road to this project's entrance. Improvements shall occur in existing right-of-way and shall not receive impact fee credit.
8. Prior to final plan approval, the Master Concept Plan shall be modified to show the right-of-way and setbacks for the proposed north/south collector road. The Board of County Commissioners shall hold a public hearing within 30 days regarding the possible alignment of this collector road. Subsequent to this public hearing, the Board of County Commissioners will make a determination regarding the necessary widths and setbacks of this collector road. Should the proposed collector road be relocated by the Board, the Master Concept Plan shall be amended to reflect the new location. Regardless of whether the road is relocated, the Board retains jurisdiction of this case, for the purpose of amending this condition, without requiring the applicant to file an application for an amendment of this resolution.

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- 9. Prior to final development order approval the developer shall submit a plan for the removal of exotic vegetation throughout the development. The plan shall include a timetable for removal and a maintenance program to control the re-invasion of exotic vegetation throughout the site. The control program shall be in effect for a minimum of three (3) years. The removal and control plan shall be subject to approval by the Department of Community Development.
- 10. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of Emergency Helicopter Landing Zones; and, 2) the accessibility of the EMS unit.
- 11. Granting of this zoning request provides no vested rights to the applicant, its successors or assigns. Granting of this zoning shall not preclude the County from implementing and applying the concurrency rule.
- 12.
  - a. Deviation (1) has been WITHDRAWN by the applicant.
  - b. Deviation (2) is APPROVED for light industrial uses and PARTIALLY APPROVED for heavy industrial uses as limited in condition 6.
  - c. Deviation (3) is hereby APPROVED with the condition that interconnection be provided to the property to the east.
  - d. Deviation (4) is hereby APPROVED with a stub-out to the east as shown on the Master Concept Plan.
- 13. The following uses shall be permitted only when the residential property to the west is converted to industrial type uses:
  - Rubber and plastic products - Group II (Section 1001.43)
  - Chemical and allied products - Group I and II (Section 1001.06)
  - Food and Kindred Products - All groups (Section 1001.15)
  - Transportation Equipment - All groups

Site Plan 88-197 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Industrial Planned Development zoning:

- a. The proposed uses as conditioned are appropriate at the subject location.
- b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by applicable regulations.
- c. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the development.
- d. Each deviation recommended for approval will enhance the achievement of the objective of the development and the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Mary Ann Wallace, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

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John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	AYE
Bill Fussell	ABSENT
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 22nd day of August, A.D., 1988.

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ATTEST:  
 CHARLIE GREEN, CLERK

BY: Clare J. Wack  
 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
 Chairman

Approved as to form by:  
[Signature]  
 County Attorney's Office

**FILED**  
 JAN 13, 89  
 CLERK CIRCUIT COURT  
 BY C. Wack, J.C.

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MASTER CONCEPT PLAN 88-197 OUT FOR REDUCTION

